

PATENT COOPERATION TREATY



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 30A-92 401		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/014328	International filing date (day/month/year) 16.12.2003	Priority date (day/month/year) 16.12.2003	
International Patent Classification (IPC) or both national classification and IPC H04L29/06			
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)			
<p>1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 15.06.2005		Date of completion of this report 03.02.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Veen, G Telephone No. +31 70 340-3811 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP2003/014328

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-15 as originally filed

Claims, Numbers

1-20 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP2003/014328**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
- (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-20
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	
	No: Claims	1-20

2. Citations and explanations
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP2003/014328

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document/s/:

D1: EP-A-1 045 386 (THOMSON BRANDT GMBH) 18 October 2000 (2000-10-18)
D2: WO 03/005145 A (KONTIO MARKKU ; SIPPONEN JUHA (FI); STENMAN
JORMA (FI); YLITALO TAPIO) 16 January 2003 (2003-01-16)

- 1 In the words of claim 1 of the present application, D1 discloses (references taken from this document):

"A method for transferring (column 3 line 10) at least one of a media file and associated usage rights (c3l10-11) from a first user unit to a second user unit (c3l12-13), wherein the media file is identifiable by a central interface unit (c3l42) and includes at least one component of image data, audio data, and video data, the method comprising the steps of:

transferring at least one of the media file and the associated usage rights data directly from the first user unit to the second user unit via a communication link between the first and second user units (c3l15-18);
limiting access by the first user unit to the media file (c3l20-21);
providing access to the second user unit to the media file (c3l21-24);
coupling at least one of the first and second user units over a communications network to the central interface unit (c3l34-35; c3l40-42); and
logging, at the central interface unit, the transfer of at least one of the media file and its associated usage rights data to the second user unit (par.19)."

As D1 discloses, in combination, all the features of independent claim 1 of the present application, this claim does not meet the criteria of Article 33(1) PCT, because its subject-matter is not new in the sense of Article 33(2) PCT.

- 2 The same reasoning applies, mutatis mutandis, to independent claims 17, 18 and 20 which define a corresponding system, computer program and system, respectively. These claims are therefore also not new in the sense of Art. 33(2) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP2003/014328

- 3 The dependent claims, 2-16 and 19, do not contain any features which, in combination with the features of the respective claims to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, see D1 and D2, the relevant passages being cited in the search report.
- 4 For the sake of completeness, it should be noted that similar conclusions could be derived from D2.